

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Request For Review of Decision Of	)	Administrator Correspondence
The Universal Service Administration Co.by	)	Dated October 3, 2014
City of Los Angeles	)	
	)	CC Docket No. 02-6
Schools and Libraries Universal Service	)	
Support Mechanism	)	

**REQUEST FOR REVIEW OF DECISION OF THE UNIVERSAL SERVICE  
ADMINISTRATION COMPANY, SCHOOLS AND LIBRARIES DIVISION BY LOS  
ANGELES PUBLIC LIBRARY SYSTEM OR IN THE ALTERNATIVE, REQUEST FOR  
A WAIVER OF SECTION 54.502 OF THE COMMISSION’S RULES**

APPELLANT/ORGANIZATION NAME:	LOS ANGELES PUBLIC LIBRARY SYSTEM
FUNDING YEAR:	2014
ENTITY NUMBER:	16020848
FORM 471 APPLICATION NUMBER:	979533
FUNDING REQUEST NUMBER(S):	2669018

Pursuant to Sections 54.719 through 54.721 of the Commission’s rules, the Los Angeles Public Library System (“Applicant” or “Los Angeles”) requests the Federal Communications Commission (“FCC” or “Commission”) review and set aside a decision of the Schools and Libraries Division of the Universal Service Administrative Company (“USAC” or “Administrator”).<sup>1</sup> Los Angeles believes that the information provided in this appeal provides grounds for the Commission to find that the services in question are eligible for reimbursement. Specifically, Los Angeles asserts that funding has been reduced in this case because of Los

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<sup>1</sup> October 3, 2014 Administrator’s Decision on Appeal

Angeles' compliance with a State of California naming convention that disguised services in our initial FY 2014 E-rate Application Information Request that are Priority One eligible to appear to be ineligible. On appeal to USAC and below, we have provided ample evidence that the services in question are in fact Priority One eligible. Should the Commission not agree with our understanding of the law, Applicant requests, in the alternative, and pursuant to Section 1.3 of the Commission's Rules, that the Commission grant a waiver of its rules to permit the Applicant to qualify under the Telecommunications Act 47 C.F.R. §1.3.

## **OVERVIEW**

Applicant, the Los Angeles Public Library System, is a metropolitan library system with a collection of over six million volumes made available at 72 branch libraries and one central library. Applicant provides service to over 18 million people in the Los Angeles metropolitan area.<sup>2</sup> Under the Schools and Libraries Universal Service support mechanism, eligible schools, libraries, and consortia that include eligible schools and libraries, may apply for discounts on eligible: telecommunications services, Internet access, internal connections, and basic maintenance of internal connections.<sup>3</sup> Under this regulatory authority, Applicant annually submits E-rate application(s) for discounts on eligible products and services.<sup>4</sup>

In California, use of the term "Site Survivability" connotes the capacity of a system to be maintained in an emergency situation to allow for emergency services to be contacted. Put simply, the reference to "Site Survivability" in our initial submission referred merely to the fact

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<sup>2</sup> Further information about the Library System available at: <http://www.lapl.org/about-lapl/about-library>

<sup>3</sup> 47 C.F.R. §§ 54.502, 54.503.

<sup>4</sup> The Los Angeles Public Library System has received E-rate funding since FY 2000-2001. *See* Exhibit [X] for Funding Commitment Decision Letters from FY 2011-2012, FY 2012-2013, and FY 2013-2014.

that, in the event of an emergency, the gateway can be provisioned to provide access to a POTS (“Plain Old Telephone Service”) line for emergency services, or a 911 call. Los Angeles believes a misunderstanding about the use and meaning of that term is at the root of USAC’s decision, and that a correction of that misunderstanding is sufficient for that decision to be set aside.

## **BACKGROUND AND REQUEST FOR REVIEW**

Los Angeles respectfully requests that the Commission set aside the Administrator’s decision, later affirmed on appeal by the USAC, to reduce Funding Request Number 2669018 from \$94,275 .00 to \$11,475.00.<sup>5</sup> The grounds cited for the reduction were that the Administrator perceived there to be costs included in the Funding Request that were ineligible for funding, including NW-CSS01-Site Survivability Option, as laid out in the Administrator’s Decision on Appeal:

Your FCC Form 471 application included costs for the following ineligible products and/or services: NW-CSS01-Site Survivability Option. USAC appropriately revised your funding request and removed the costs associated with ineligible products and/or services. Accordingly, the pre-discount annual non-recurring (one-time) charges were reduced from \$94,275.00 to \$11,475.00. In your appeal, you did not show that USAC’s determination was incorrect. Consequently, your appeal is denied.<sup>6</sup>

Los Angeles believes that the Administrator’s decision and subsequent affirmation by the USAC on appeal are based on a misreading of a single sentence in Los Angeles’ FY 2014 E-rate Application Information Request. The sentence in question reads: “The router/gateway can also provide additional *redundancy* as it can be configured to handle additional WAN connections” [Emphasis Added].<sup>7</sup>

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<sup>5</sup> See October 3, 2014 Administrator’s Decision on Appeal

<sup>6</sup> *Id.*

<sup>7</sup> See June 13, 2014 Response to FY 2014 E-Rate Application Information Request

Despite the Administrator's decision, and the difficulty arising from the naming convention, the services Applicant submitted for discount are eligible for an E-rate discount as they are:

- A Priority One telecommunications service,
- Included as a specific provision in the Commission's Eligible Services List for 2014,
- Approved in other funding requests made by similarly situated entities, as hundreds of customers of the same service provider (Jive) were deemed eligible for this discount.

### **SERVICES IN QUESTION ARE A PRIORITY ONE SERVICE**

Under the FCC's Eligible Services List, E-rate funds are allocated according to rules of priority. Requests for telecommunications services, telecommunications, and Internet access services have first priority for funding, and so are classified as "Priority One" services.<sup>8</sup> These services include costs to subscribe to interconnected Voice over Internet Protocol ("VoIP") services, internet access services, and telephone services, including service to an eligible location for education and library purposes that provides "voice communication, fax connections, modem connections, 911 or alarm connections."<sup>9</sup>

These services are precisely those Los Angeles has contracted with service provider (Jive) to deliver. Los Angeles sought to provide visitors to its library with internet access including VoIP services, and that is the full extent of what Jive has provided, and the full extent of the services for which Applicant seeks reimbursement.

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<sup>8</sup> See Schools and Libraries Universal Service Support Mechanism Eligible Services List CC Docket No. 02-6; GN Docket No. 09-51, Released October 22, 2013. Available at [http://www.usac.org/\\_res/documents/sl/pdf/ESL\\_archive/EligibleServicesList-2014.pdf](http://www.usac.org/_res/documents/sl/pdf/ESL_archive/EligibleServicesList-2014.pdf). See also <http://www.fcc.gov/document/proposed-changes-funding-year-2014-e-rate-eligible-services-list>

<sup>9</sup> *Id.*

For the VoIP connection, each library location requires a voice router/gateway as part of the service. In Los Angeles' appeal to USAC, it clarified that the Site Survivability Option is a naming convention required by the State of California, simply referencing the site's ability to place calls to emergency services in the event of a disaster. Despite this convention, the service fully complies with 47 C.F.R. Section 54.502 and qualifies as an eligible service. It is strictly comprised of a standard voice gateway Jive Communications uses on all bids to provide their service. As Los Angeles clarified in the appeal, the actual make and model of the equipment for this installation is as follows:

<b>On-Premise Equipment</b>	<b>Make/Model</b>
Router/gateway	Adtran 6250 (Qty 1)
Router/gateway	Adtran 6240 (Qty 6)
Router/gateway	Adtran 908e 3 (Qty 66)

The voice gateway is provided as part of Jive's service and is used to ensure a high level of service to the entity. It is Jive owned and there is no option to purchase. This device provides QoS, reporting statistics, and emergency failover in the event of an outage. This is why the device is found under the Site Survivability Option. In the event of an emergency, the gateway can be provisioned to provide access to a POTS line for emergency services, or a 911 call. The voice gateway does not provide PBX functionality or call routing, nor does it have any functions that would render it ineligible for reimbursement.<sup>10</sup>

The voice gateway is installed at each site to provide a secure and fail safe connection from the client's network to the Jive network center. Voice gateways are programmed with secure Virtual Private Networks for each client and allow for a convergence from the data

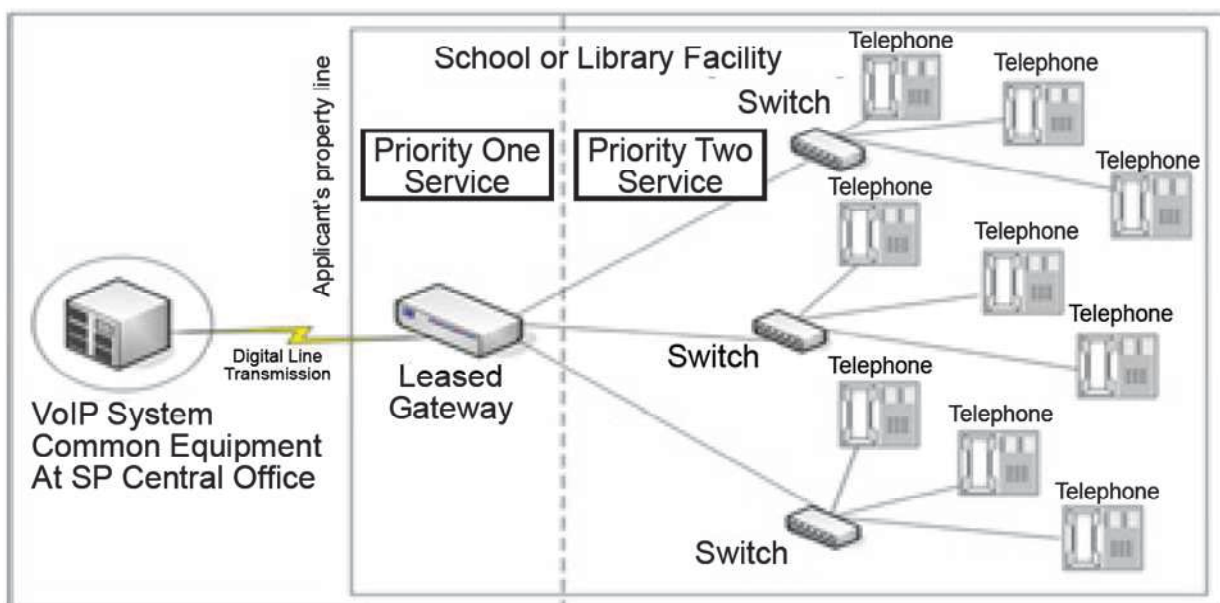
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<sup>10</sup> See Jive Affidavit

network to Los Angeles' voice network. The equipment is completely maintained by Jive and does not have an option to be owned by the Library.<sup>11</sup>

Jive Communications follows all rules regarding Priority One equipment and placements of such equipment.<sup>12</sup> The following diagram illustrates the placement of the Site Survivability gateway (Leased Gateway), which is consistent with Priority One E-Rate regulations. Jive's Interconnected VoIP service does not deviate from what is depicted below:<sup>13</sup>

Therefore, the services in question are Priority One services eligible for reimbursement.



## **SERVICES IN QUESTION ARE INCLUDED IN THE COMMISSION'S ELIGIBLE SERVICES LIST**

Though the services in question are, by definition, Priority One services without need for further clarification, the specific service that USAC deemed ineligible for reimbursement is, in fact, included in the eligible services list for 2014. The service referenced in Los Angeles' initial

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<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

E-Rate Application Information Request that lead to the reduction by USAC conforms with a service listed under “Telephone Service” in the Eligible Services List.<sup>14</sup>

The Eligible Services List for 2014 lists “service to an eligible location for educational or library purposes can provide voice communication, fax connections, modem connections, 911 or alarm connections” as eligible for an E-rate discount as a Priority One telecommunications service.<sup>15</sup> The voice gateway provided to Los Angeles by Jive Communications conforms with this language exactly, and so Applicant should be eligible for the E-rate discount for this service.

Further, Jive’s own description of the service indicates it is eligible.<sup>16</sup> According to their Wiki: “Jive Voice Gateway; the Gateway is a Priority 1 eligible device that Jive owns and controls. The VoIP Gateway provides continued access to emergency services in the event of a network failure, such that 911 calling in particular is always accessible.”<sup>17</sup> The purpose of this service, in the words of the service provider, is to be Priority One compliant.

### **SERVICES IN QUESTION HAVE BEEN FOUND ELIGIBLE IN OTHER FUNDING REQUESTS FILED BY APPLICANT’S VENDOR**

Though USAC denied Los Angeles’ request for reimbursement for these services, Los Angeles is not the only entity that has requested this reimbursement, and in fact, other similarly situated entities have been granted funding for the same services from the same provider. Jive customers were approved for Site Survivability funding for FY 2014, indicating that this service is eligible for e-rate discounting. Over 300 Jive clients have received funding for FY 2014

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<sup>14</sup> See Schools and Libraries Universal Service Support Mechanism Eligible Services List CC Docket No. 02-6; GN Docket No. 09-51, Released October 22, 2013. Available at [http://www.usac.org/\\_res/documents/sl/pdf/ESL\\_archive/EligibleServicesList-2014.pdf](http://www.usac.org/_res/documents/sl/pdf/ESL_archive/EligibleServicesList-2014.pdf). See also <http://www.fcc.gov/document/proposed-changes-funding-year-2014-e-rate-eligible-services-list>

<sup>15</sup> *Id.*

<sup>16</sup> See Jive Wiki available at <https://wiki.getjive.com>

<sup>17</sup> *Id.*

despite their use of the nomenclature of Site Survivability. These clients have received funding for the exact service, utilizing the exact same setup and hardware that the Los Angeles Public Library System was denied funding for by the Universal Service Administration. The eligibility of these other customers is further evidence that the Los Angeles Public Library System is entitled to an E-rate discount for this service.

## **REQUEST FOR WAIVER**

In the event that the Commission does not grant Los Angeles' appeal, Applicant requests, in the alternative, and pursuant to Section 1.3 of the Commission's Rules, that the Commission grant a waiver of its rules to permit the Applicant to qualify under the Telecommunications Act 47 C.F.R. §1.3. For the reasons detailed below, the Los Angeles Public Library System believes such a waiver is equitable and consistent with the Act, as well as prior Commission waivers relating to the evaluation of competitive bids.

Section 1.3 provides that the Commission may waive its rules "if good cause therefore is shown."<sup>18</sup> A waiver is appropriate here because Los Angeles complied with the requirements of the Telecommunications Act. The only reason funding has been reduced in this case is because of Los Angeles' compliance with a State of California naming convention that made services that are Priority One eligible in fact appear to be ineligible in our initial FY 2014 E-rate Application Information Request. On appeal to USAC and above, we have provided ample evidence that the services in question are in fact Priority One eligible. In the event that the Commission does not agree with Los Angeles that it complied with the letter and intent of 47 C.F.R. §54.502 it should waive these rules and reverse the Administrator's Decision on Appeal dated October 3, 2014.

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<sup>18</sup> 47 C.F.R. §1.3.

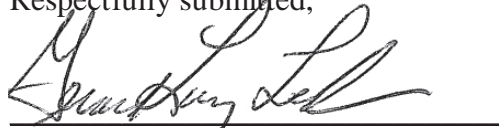


There is no evidence in the record that Los Angeles engaged in activity intended to defraud or abuse the E-rate program, nor that Applicant submitted costs for ineligible products or services. Denying its request for funding would create undue hardship and prevent it from receiving E-rate funding for work already performed by the contracted service provider. Accordingly, good cause exists to grant Los Angeles a waiver of section 54.502 of the Commission's rules.

### CONCLUSION

Los Angeles urges the Commission to reconsider the decision made by the Administrator to reduce this funding request and restore the FRN cited above to its original funding request level. Loss of this funding is unwarranted and would inflict undue hardship on the Applicant. Los Angeles relies upon E-rate funds for support of essential Broadband connectivity to its libraries. Without these funds, the Los Angeles Public Library System will be forced to use other funds to pay for these services, funds which could be used to improve its libraries in critical ways.

Respectfully submitted,



Gerard Lavery Lederer  
Jordan Ferguson  
BEST BEST & KRIEGER LLP  
2000 Pennsylvania Avenue N.W., Suite 4300  
Washington, DC 20006

Attorneys for the City of Los Angeles, California

November 14, 2014

## **EXHIBIT “A”**



**Administrator's Decision on Appeal – Funding Year 2014-2015**

October 3, 2014

Anne Wu  
Los Angeles Public Library System  
200 N. Main Street, Room 1400  
Los Angeles, CA 90012

Re: Applicant Name: LOS ANGELES PUBLIC LIBRARY  
SYSTEM  
Billed Entity Number: 16020848  
Form 471 Application Number: 979533  
Funding Request Number(s): 2669018  
Your Correspondence Dated: August 13, 2014

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's Funding Year 2014 Funding Commitment Decision Letter for the Application Number indicated above. This letter explains the basis of USAC's decision. The date of this letter begins the 60 day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 2669018  
Decision on Appeal: **Denied**  
Explanation:

- Your FCC Form 471 application included costs for the following ineligible products and/or services: NW-CSS01 - Site Survivability Option. USAC appropriately revised your funding request and removed the costs associated with ineligible products and/or services. Accordingly, the pre-discount annual non-recurring (one-time) charges were reduced from \$94,275.00 to \$11,475.00. In your appeal, you did not show that USAC's determination was incorrect. Consequently, your appeal is denied.
- FCC rules provide that funding may be approved only for eligible products and services. *See* 47 C.F.R. secs. 54.502. The USAC website contains a list of eligible products and services. *See* Eligible Services List posted in the Reference Area of the SLD section of the USAC website. FCC rules further require that if 30% or more of the applicant's funding request includes ineligible products

and/or services, then the funding request must be denied, otherwise the funding request will be reduced accordingly. *See* 47 C.F.R. sec. 54.504(b). The FCC's Aiken County Public Schools Order directed USAC to permit the applicant 15 calendar days from the date of receipt of notice in writing by USAC to revise its funding request to remove the ineligible services or allow the applicant to provide additional documentation to show why the services are eligible. *See* Requests for Review of the Decisions of the Universal Service Administrator by Aiken County Public Schools, Aiken, South Carolina, et al., Schools and Libraries Universal Service Support Mechanism, File Nos. SLD-397612, et al., CC Docket No. 02-6, Order, 22 FCC Rcd 8735, FCC 07-61 para. 11 (May 8, 2007).

Since your appeal was denied in full, dismissed or cancelled, you may file an appeal with the FCC. Your appeal must be postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found under the Reference Area/"Appeals" of the SLD section of the USAC website or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division  
Universal Service Administrative Company

## **EXHIBIT “B”**



Universal Service Administrative Company

Schools and Libraries Division

**FUNDING COMMITMENT DECISION LETTER**  
(Funding Year 2011: 07/01/2011 - 06/30/2012)

September 20, 2011

Joe Quan  
LOS ANGELES PUBLIC LIBRARY SYSTEM  
200 N. Main Street, Room 1300  
MS 232  
Los Angeles, CA 90012

Re: Form 471 Application Number: 779086  
Billed Entity Number (BEN): 16020848  
Billed Entity FCC RN: 0011271004  
Applicant's Form Identifier: YR14-471-2

Thank you for your Funding Year 2011 application for Universal Service Support and for any assistance you provided throughout our review. The current status of the funding request(s) in the Form 471 application cited above and featured in the Funding Commitment Report(s) (Report) at the end of this letter is as follows.

- The amount, \$268,072.74 is "Approved."

Please refer to the Report following this letter for specific funding request decisions and explanations. The Universal Service Administrative Company (USAC) is also sending this information to your service provider(s) so preparations can begin for implementing your approved discount(s) after you file FCC Form 486, Receipt of Service Confirmation Form. A guide that provides a definition for each line of the Report is available in the Reference Area of our website.

**NEXT STEPS**

- Work with your service provider to determine if you will receive discounted bills or if you will request reimbursement from USAC after paying your bills in full
- Review technology planning approval requirements
- Review CIPA requirements
- File Form 486
- Invoice USAC using the Form 474 (service provider) or Form 472 (Billed Entity applicant) - as products and services are being delivered and billed

**TO APPEAL THIS DECISION:**

You have the option of filing an appeal with the SLD or directly with the Federal Communications Commission (FCC).

If you wish to appeal a decision in this letter to USAC, your appeal must be received by USAC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and (if available) email address for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Include the following to identify the letter and the decision you are appealing:
  - Appellant name,
  - Applicant name and service provider name, if different from appellant,
  - Applicant BEN and Service Provider Identification Number (SPIN),
  - Form 471 Application Number 779086 as assigned by USAC,
  - "Funding Commitment Decision Letter for Funding Year 2011," AND

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Schools and Libraries Division - Correspondence Unit  
30 Lanidex Plaza West, PO Box 685, Parsippany, NJ 07054-0685  
Visit us online at: [www.usac.org/sl](http://www.usac.org/sl)

- The exact text or the decision that you are appealing.
- 3. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep a copy of your entire appeal, including any correspondence and documentation.
- 4. If you are the applicant, please provide a copy of your appeal to the service provider(s) affected by USAC's decision. If you are the service provider, please provide a copy of your appeal to the applicant(s) affected by USAC's decision.
- 5. Provide an authorized signature on your letter of appeal.

To submit your appeal to USAC by email, email your appeal to [appeals@sl.universalservice.org](mailto:appeals@sl.universalservice.org). USAC will automatically reply to incoming emails to confirm receipt.

To submit your appeal to USAC by fax, fax your appeal to (973) 599-6542.

To submit your appeal to USAC on paper, send your appeal to:

Letter of Appeal  
Schools and Libraries Division - Correspondence Unit  
30 Lanidex Plaza West  
PO Box 685  
Parsippany, NJ 07054-0685

If you wish to appeal a decision in this letter to the FCC, you should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received by the FCC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. We strongly recommend that you use the electronic filing options described in the "Appeals Procedure" posted in the Reference Area of our website. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554.

#### OBLIGATION TO PAY NON-DISCOUNT PORTION

Applicants are required to pay the non-discount portion of the cost of the products and/or services to their service provider(s). Service providers are required to bill applicants for the non-discount portion. The FCC stated that requiring applicants to pay their share ensures efficiency and accountability in the program. If USAC is being billed via the FCC Form 474, the service provider must bill the applicant at the same time it bills USAC. If USAC is being billed via the FCC Form 472, the applicant pays the service provider in full (the non-discount plus discount portion) and then seeks reimbursement from USAC. If you are using a trade-in as part of your non-discount portion, please refer to our website for more information.

#### NOTICE ON RULES AND FUNDS AVAILABILITY

Applicants' receipt of funding commitments is contingent on their compliance with all statutory, regulatory, and procedural requirements of the Schools and Libraries Program. Applicants who have received funding commitments continue to be subject to audits and other reviews that USAC and/or the FCC may undertake periodically to assure that funds that have been committed are being used in accordance with all such requirements. USAC may be required to reduce or cancel funding commitments that were not issued in accordance with such requirements, whether due to action or inaction, including but not limited to that by USAC, the applicant, or the service provider. USAC, and other appropriate authorities (including but not limited to the FCC), may pursue enforcement actions and other means of recourse to collect improperly disbursed funds. The timing of payment of invoices may also be affected by the availability of funds based on the amount of funds collected from contributing telecommunications companies.

Schools and Libraries Division  
Universal Service Administrative Company

FUNDING COMMITMENT REPORT  
Billed Entity Name: LOS ANGELES PUBLIC LIBRARY SYSTEM  
BEN: 16020848  
Funding Year: 2011

Comment on RAL corrections: The applicant did not submit any RAL corrections.

Form 471 Application Number: 779086  
Funding Request Number: 2113200  
Funding Status: Funded  
Category of Service: Telecommunications Service  
Form 470 Application Number: 267290000544188  
SPIN: 143002665  
Service Provider Name: Pacific Bell Telephone Company  
Contract Number: CALNET II (DTS 06E1390/06E1391)  
Billing Account Number: C60-222-3040-555  
Multiple Billing Account Numbers: N  
Service Start Date: 07/01/2011  
Service End Date: N/A  
Contract Award Date: 01/14/2008  
Contract Expiration Date: 01/29/2012  
Shared Worksheet Number: 1287986  
Number of Months Recurring Service Provided in Funding Year: 7  
Annual Pre-discount Amount for Eligible Recurring Charges: \$161,896.56  
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00  
Pre-discount Amount: \$161,896.56  
Discount Percentage Approved by the USAC: 90%  
Funding Commitment Decision: \$145,706.90 - FRN approved as submitted

FCDL Date: 09/20/2011  
Wave Number: 014  
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2012  
Consultant Name:  
Consultant Number (CRN):  
Consultant Employer:



FUNDING COMMITMENT REPORT  
Billed Entity Name: LOS ANGELES PUBLIC LIBRARY SYSTEM  
BEN: 16020848  
Funding Year: 2011

Comment on RAL corrections: The applicant did not submit any RAL corrections.

Form 471 Application Number: 779086  
Funding Request Number: 2113204  
Funding Status: Funded  
Category of Service: Telecommunications Service  
Form 470 Application Number: 267290000544188  
SPIN: 143002665  
Service Provider Name: Pacific Bell Telephone Company  
Contract Number: CALNET II (DTS 06E1390/06E1391)  
Billing Account Number: C60-222-3040-555  
Multiple Billing Account Numbers: N  
Service Start Date: 02/01/2012  
Service End Date: N/A  
Contract Award Date: 07/25/2008  
Contract Expiration Date: 01/29/2014  
Shared Worksheet Number: 1287986  
Number of Months Recurring Service Provided in Funding Year: 5  
Annual Pre-discount Amount for Eligible Recurring Charges: \$115,640.40  
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00  
Pre-discount Amount: \$115,640.40  
Discount Percentage Approved by the USAC: 90%  
Funding Commitment Decision: \$104,076.36 - FRN approved; modified by SLD  
Funding Commitment Decision Explanation: MR1: In consultation with the applicant, the service provider has been changed to Pacific Bell, SPIN number 143002665. <><><><><>  
MR2: The Contract Award Date was changed from 1/30/2012 to 7/25/2008 to agree with the documentation provided during the review of the Form 471. <><><><><>  
MR3: The Contract End Date was changed from 6/30/2012 to 1/29/2014 to agree with the documentation provided during the review of the Form 471.

FCDL Date: 09/20/2011  
Wave Number: 014  
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2012  
Consultant Name:  
Consultant Number (CRN):  
Consultant Employer:

FUNDING COMMITMENT REPORT  
Billed Entity Name: LOS ANGELES PUBLIC LIBRARY SYSTEM  
BEN: 16020848  
Funding Year: 2011

Comment on RAL corrections: The applicant did not submit any RAL corrections.

Form 471 Application Number: 779086  
Funding Request Number: 2128376  
Funding Status: Funded  
Category of Service: Telecommunications Service  
Form 470 Application Number: 267290000544188  
SPIN: 143001192  
Service Provider Name: AT&T Corp.  
Contract Number: CALNET II (DTS 06E1390/06E1391)  
Billing Account Number: C60-222-3040-555  
Multiple Billing Account Numbers: N  
Service Start Date: 07/01/2011  
Service End Date: N/A  
Contract Award Date: 07/25/2008  
Contract Expiration Date: 01/29/2012  
Shared Worksheet Number: 1287986  
Number of Months Recurring Service Provided in Funding Year: 7  
Annual Pre-discount Amount for Eligible Recurring Charges: \$11,854.29  
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00  
Pre-discount Amount: \$11,854.29  
Discount Percentage Approved by the USAC: 90%  
Funding Commitment Decision: \$10,668.86 - FRN approved as submitted

FCDL Date: 09/20/2011  
Wave Number: 014  
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2012  
Consultant Name:  
Consultant Number (CRN):  
Consultant Employer:

FUNDING COMMITMENT REPORT  
Billed Entity Name: LOS ANGELES PUBLIC LIBRARY SYSTEM  
BEN: 16020848  
Funding Year: 2011

Comment on RAL corrections: The applicant did not submit any RAL corrections.

Form 471 Application Number: 779086  
Funding Request Number: 2128388  
Funding Status: Funded  
Category of Service: Telecommunications Service  
Form 470 Application Number: 267290000544188  
SPIN: 143001192  
Service Provider Name: AT&T Corp.  
Contract Number: CALNET II (DTS 06E1390/06E1391)  
Billing Account Number: C60-222-3040-555  
Multiple Billing Account Numbers: N  
Service Start Date: 02/01/2012  
Service End Date: N/A  
Contract Award Date: 07/25/2008  
Contract Expiration Date: 01/29/2014  
Shared Worksheet Number: 1287986  
Number of Months Recurring Service Provided in Funding Year: 5  
Annual Pre-discount Amount for Eligible Recurring Charges: \$8,467.35  
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00  
Pre-discount Amount: \$8,467.35  
Discount Percentage Approved by the USAC: 90%  
Funding Commitment Decision: \$7,620.62 - FRN approved as submitted  
Funding Commitment Decision Explanation: MR1: In consultation with the applicant, the service provider has been changed to AT&T, SPIN number 143001192. <><><><> MR2: The Contract Award Date was changed from 1/30/2012 to 7/25/2008 to agree with the documentation provided during the review of the Form 471. <><><><> MR3: The Contract End Date was changed from 6/30/2012 to 1/29/2014 to agree with the documentation provided during the review of the Form 471.

FCDL Date: 09/20/2011  
Wave Number: 014  
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2012  
Consultant Name:  
Consultant Number (CRN):  
Consultant Employer:



Universal Service Administrative Company

Schools and Libraries Division

**FUNDING COMMITMENT DECISION LETTER**  
(Funding Year 2012: 07/01/2012 - 06/30/2013)

August 28, 2012

Anne Wu  
LOS ANGELES PUBLIC LIBRARY SYSTEM  
200 N. Main Street, Room 1400  
Los Angeles, CA 90012

**Re: Form 471 Application Number: 830337**  
**Billed Entity Number (BEN): 16020848**  
**Billed Entity FCC RN: 0011271004**  
**Applicant's Form Identifier: YR15-471-2**

Thank you for your Funding Year 2012 application for Universal Service Support and for any assistance you provided throughout our review. The current status of the funding request(s) in the Form 471 application cited above and featured in the Funding Commitment Report(s) (Report) at the end of this letter is as follows.

- The amount, \$229,665.78 is "Approved."

Please refer to the Report following this letter for specific funding request decisions and explanations. The Universal Service Administrative Company (USAC) is also sending this information to your service provider(s) so preparations can begin for implementing your approved discount(s) after you file FCC Form 486, Receipt of Service Confirmation Form. A guide that provides a definition for each line of the Report is available in the Reference Area of our website.

**NEXT STEPS**

- Work with your service provider to determine if you will receive discounted bills or if you will request reimbursement from USAC after paying your bills in full
- Review technology planning approval requirements
- Review CIPA requirements
- File Form 486
- Invoice USAC using the Form 474 (service provider) or Form 472 (Billed Entity applicant) - as products and services are being delivered and billed

**TO APPEAL THIS DECISION:**

You have the option of filing an appeal with the SLD or directly with the Federal Communications Commission (FCC).

If you wish to appeal a decision in this letter to USAC, your appeal must be received by USAC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and (if available) email address for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Include the following to identify the letter and the decision you are appealing:
  - Appellant name,
  - Applicant name and service provider name, if different from appellant,
  - Applicant BEN and Service Provider Identification Number (SPIN),
  - Form 471 Application Number 830337 as assigned by USAC,
  - "Funding Commitment Decision Letter for Funding Year 2012," AND
  - The exact text or the decision that you are appealing.

Schools and Libraries Division - Correspondence Unit  
30 Lanidex Plaza West, PO Box 685, Parsippany, NJ 07054-0685  
Visit us online at: [www.usac.org/sl](http://www.usac.org/sl)

3. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep a copy of your entire appeal, including any correspondence and documentation.
4. If you are the applicant, please provide a copy of your appeal to the service provider(s) affected by USAC's decision. If you are the service provider, please provide a copy of your appeal to the applicant(s) affected by USAC's decision.
5. Provide an authorized signature on your letter of appeal.

To submit your appeal to USAC by email, email your appeal to [appeals@sl.universalservice.org](mailto:appeals@sl.universalservice.org). USAC will automatically reply to incoming emails to confirm receipt.

To submit your appeal to USAC by fax, fax your appeal to (973) 599-6542.

To submit your appeal to USAC on paper, send your appeal to:

Letter of Appeal  
Schools and Libraries Division - Correspondence Unit  
30 Lanidex Plaza West  
PO Box 685  
Parsippany, NJ 07054-0685

If you wish to appeal a decision in this letter to the FCC, you should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received by the FCC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. We strongly recommend that you use the electronic filing options described in the "Appeals Procedure" posted in the Reference Area of our website. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554.

#### OBLIGATION TO PAY NON-DISCOUNT PORTION

Applicants are required to pay the non-discount portion of the cost of the products and/or services to their service provider(s). Service providers are required to bill applicants for the non-discount portion. The FCC stated that requiring applicants to pay their share ensures efficiency and accountability in the program. If USAC is being billed via the FCC Form 474, the service provider must bill the applicant at the same time it bills USAC. If USAC is being billed via the FCC Form 472, the applicant pays the service provider in full (the non-discount plus discount portion) and then seeks reimbursement from USAC. If you are using a trade-in as part of your non-discount portion, please refer to our website for more information.

#### NOTICE ON RULES AND FUNDS AVAILABILITY

Applicants' receipt of funding commitments is contingent on their compliance with all statutory, regulatory, and procedural requirements of the Schools and Libraries Program. Applicants who have received funding commitments continue to be subject to audits and other reviews that USAC and/or the FCC may undertake periodically to assure that funds that have been committed are being used in accordance with all such requirements. USAC may be required to reduce or cancel funding commitments that were not issued in accordance with such requirements, whether due to action or inaction, including but not limited to that by USAC, the applicant, or the service provider. USAC, and other appropriate authorities (including but not limited to the FCC), may pursue enforcement actions and other means of recourse to collect improperly disbursed funds. The timing of payment of invoices may also be affected by the availability of funds based on the amount of funds collected from contributing telecommunications companies.

Schools and Libraries Division  
Universal Service Administrative Company

FUNDING COMMITMENT REPORT  
Billed Entity Name: LOS ANGELES PUBLIC LIBRARY SYSTEM  
BEN: 16020848  
Funding Year: 2012

Comment on RAL corrections: The applicant did not submit any RAL corrections.

Form 471 Application Number: 830337  
Funding Request Number: 2255601  
Funding Status: Funded  
Category of Service: Telecommunications Service  
Form 470 Application Number: 267290000544188  
SPIN: 143002665  
Service Provider Name: Pacific Bell Telephone Company  
Contract Number: Calnet II (DTS 06E1390/06E1391)  
Billing Account Number: C60-222-3040-555  
Multiple Billing Account Numbers: N  
Service Start Date: 07/01/2012  
Service End Date: N/A  
Contract Award Date: 01/14/2008  
Contract Expiration Date: 01/29/2014  
Shared Worksheet Number: 1397773  
Number of Months Recurring Service Provided in Funding Year: 12  
Annual Pre-discount Amount for Eligible Recurring Charges: \$237,280.80  
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00  
Pre-discount Amount: \$237,280.80  
Discount Percentage Approved by the USAC: 90%  
Funding Commitment Decision: \$213,552.72 - FRN approved as submitted

FCDL Date: 08/28/2012  
Wave Number: 008  
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2013  
Consultant Name:  
Consultant Number (CRN):  
Consultant Employer:



FUNDING COMMITMENT REPORT  
Billed Entity Name: LOS ANGELES PUBLIC LIBRARY SYSTEM  
BEN: 16020848  
Funding Year: 2012

Comment on RAL corrections: The applicant did not submit any RAL corrections.

Form 471 Application Number: 830337  
Funding Request Number: 2256028  
Funding Status: Funded  
Category of Service: Telecommunications Service  
Form 470 Application Number: 267290000544188  
SPIN: 143001192  
Service Provider Name: AT&T Corp.  
Contract Number: CALNET II (DTS 06E1390/06E1391)  
Billing Account Number: C60-222-304-555  
Multiple Billing Account Numbers: N  
Service Start Date: 07/01/2012  
Service End Date: N/A  
Contract Award Date: 07/25/2008  
Contract Expiration Date: 01/29/2014  
Shared Worksheet Number: 1397773  
Number of Months Recurring Service Provided in Funding Year: 12  
Annual Pre-discount Amount for Eligible Recurring Charges: \$17,903.40  
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00  
Pre-discount Amount: \$17,903.40  
Discount Percentage Approved by the USAC: 90%  
Funding Commitment Decision: \$16,113.06 - FRN approved as submitted

FCDL Date: 08/28/2012  
Wave Number: 008  
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2013  
Consultant Name:  
Consultant Number (CRN):  
Consultant Employer:



Universal Service Administrative Company

Schools and Libraries Division

**FUNDING COMMITMENT DECISION LETTER**  
(Funding Year 2012: 07/01/2012 - 06/30/2013)

August 28, 2012

Anne Wu  
LOS ANGELES PUBLIC LIBRARY SYSTEM  
200 N. Main Street, Room 1400  
Los Angeles, CA 90012

**Re: Form 471 Application Number: 830337**  
**Billed Entity Number (BEN): 16020848**  
**Billed Entity FCC RN: 0011271004**  
**Applicant's Form Identifier: YR15-471-2**

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**NEXT STEPS**

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**TO APPEAL THIS DECISION:**

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  - Applicant name and service provider name, if different from appellant,
  - Applicant BEN and Service Provider Identification Number (SPIN),
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Schools and Libraries Division - Correspondence Unit  
30 Lanidex Plaza West, PO Box 685, Parsippany, NJ 07054-0685  
Visit us online at: [www.usac.org/sl](http://www.usac.org/sl)



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PO Box 685  
Parsippany, NJ 07054-0685

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Schools and Libraries Division  
Universal Service Administrative Company

FUNDING COMMITMENT REPORT  
Billed Entity Name: LOS ANGELES PUBLIC LIBRARY SYSTEM  
BEN: 16020848  
Funding Year: 2012

Comment on RAL corrections: The applicant did not submit any RAL corrections.

Form 471 Application Number: 830337  
Funding Request Number: 2255601  
Funding Status: Funded  
Category of Service: Telecommunications Service  
Form 470 Application Number: 267290000544188  
SPIN: 143002665  
Service Provider Name: Pacific Bell Telephone Company  
Contract Number: Calnet II (DTS 06E1390/06E1391)  
Billing Account Number: C60-222-3040-555  
Multiple Billing Account Numbers: N  
Service Start Date: 07/01/2012  
Service End Date: N/A  
Contract Award Date: 01/14/2008  
Contract Expiration Date: 01/29/2014  
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Pre-discount Amount: \$237,280.80  
Discount Percentage Approved by the USAC: 90%  
Funding Commitment Decision: \$213,552.72 - FRN approved as submitted

FCDL Date: 08/28/2012  
Wave Number: 008  
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2013  
Consultant Name:  
Consultant Number (CRN):  
Consultant Employer:

FUNDING COMMITMENT REPORT  
Billed Entity Name: LOS ANGELES PUBLIC LIBRARY SYSTEM  
BEN: 16020848  
Funding Year: 2012

Comment on RAL corrections: The applicant did not submit any RAL corrections.

Form 471 Application Number: 830337  
Funding Request Number: 2256028  
Funding Status: Funded  
Category of Service: Telecommunications Service  
Form 470 Application Number: 267290000544188  
SPIN: 143001192  
Service Provider Name: AT&T Corp.  
Contract Number: CALNET II (DTS 06E1390/06E1391)  
Billing Account Number: C60-222-304-555  
Multiple Billing Account Numbers: N  
Service Start Date: 07/01/2012  
Service End Date: N/A  
Contract Award Date: 07/25/2008  
Contract Expiration Date: 01/29/2014  
Shared Worksheet Number: 1397773  
Number of Months Recurring Service Provided in Funding Year: 12  
Annual Pre-discount Amount for Eligible Recurring Charges: \$17,903.40  
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Pre-discount Amount: \$17,903.40  
Discount Percentage Approved by the USAC: 90%  
Funding Commitment Decision: \$16,113.06 - FRN approved as submitted

FCDL Date: 08/28/2012  
Wave Number: 008  
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Consultant Name:  
Consultant Number (CRN):  
Consultant Employer:

## **EXHIBIT “C”**

----- Forwarded message -----

From: "Anne Wu" <[anne.wu@lacity.org](mailto:anne.wu@lacity.org)>

Date: Jun 13, 2014 12:18 PM

Subject: Re: WDF - 2014 E-Rate App #979533 - LOS ANGELES PUBLIC LIBRARY SYSTEM - -Addtl Info Reqd

To: "Ferry, William" <[William.FERRY@sl.universalservice.org](mailto:William.FERRY@sl.universalservice.org)>

Cc:

Dear Mr. William,

Thank you for assisting the City of Los Angeles Library in the review of our E-rate submission for Funding Year **2014** FCC Form 471 application **#979533**, FRN **2669018** :

Issue 1

There are 72 branch libraries and 1 central library. For the VoIP connection, each library will need to have a voice router/gateway as part of the service, it is use to provide QoS, to ensure high level of service, including reporting statistics and fail over in the event of an outage. These devices below are service provider (JIVE) owned and there is **no** option for purchase.

On-Premise Equipment	Make/Model
Router/gateway	Adtran 6250 (Qty 1)
Router/gateway	Adtran 6240 (Qty 6)
Router/gateway	There Adtran 908e 3 (Qty 66)

Issue 2

Site Survivability Option is the CalNet3 naming convention required by the State of California. The survivability feature is part of router/voice Gateway (same piece of equipment as Issue 1 above) JIVE owned and controlled. It should fall under priority 1 service.

On the Survivability feature the router/gateway is configured to provide continued access to emergency services in the event of a network failure, such that 911 calling in particular is always be accessible (this configuration requires that the VoIP Gateway have access to as many POTS lines as desired for concurrent 911 calling). The router/gateway can also provide additional redundancy as it can be configured to handle additional WAN connections.

## Router/Gateway:

A router/voice gateway is installed at each of library sites to provide a secure and fail safe connection from the library's network to the JIVE network center. Voice router/gateways are programmed with secure Virtual Private Networks for each library and allow for a convergence from the data network to JIVE's voice network. The router/gateway configuration and installation is included in JIVE's one-time charge under Site Survivability Option. The equipment is completely maintained by JIVE and does **not** have an option for purchase. The gateway/router may be varied in size depending on the number of services to be delivered at each site.

Equipment provided as part of the service complies with the FCC's Tennessee Decision (Order in CC Dockets 96-45 and 97-21, 99-216, 8/11/99), and administered by the SLD. All equipment categorized as service provider "on-premise equipment for end-to-end service" and complies with the following condition:

- The equipment is directly related to the end-to-end provision of Interconnected VoIP from JIVE Communications.
- The equipment is provided by the same SPIN that provides the associated Interconnected VoIP service.
- Ownership of the service provider equipment will **not** be transferred to the library in the future.
- This contract does not allow the applicant to purchase service provider equipment.
- Under this contract, the applicant does not have exclusive use of service provider equipment.
- The service provider equipment at the applicant site will not be used for any purpose other than receipt of the eligible Interconnected VoIP Service of which it is a part.
- The applicant's internal data communications network functions without dependence on Jive's equipment.
- Jive Communications is responsible for maintaining the equipment provided as part of its Interconnected VoIP Service.

The attached network diagram illustrates how JIVE provides Interconnected VoIP services to Libraries in a manner consistent with Priority 1, E-Rate regulations. Let me know if you have any additional question. Thank you.

Anne Wu  
Director of Communication Services  
Information Technology Agency  
200 N. Main Street, Room 1300  
Los Angeles, CA 90012  
GV: (213) 986-7888  
or city extension 80088

On Mon, Jun 9, 2014 at 12:05 PM, Ferry, William <[William.FERRY@sl.universalservice.org](mailto:William.FERRY@sl.universalservice.org)> wrote:

Dear Ms. Wu:

Thank you for your recent response. I have a few follow-up questions. Please see the attached.

- Site Survivability Option is ineligible, and will be removed from the one-time charge.
- Please provide the make and model of the router.

Bill Ferry

Associate Manager

PIA Reviewer

USAC, Schools & Libraries Division

Voice: 973-581-5033

Fax: 973-599-6538

E-mail: [wferry@sl.universalservice.org](mailto:wferry@sl.universalservice.org)

## **EXHIBIT “D”**



Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

_____	)	
In the Matter of:	)	Docket No. 02-6
	)	
Request For Review of Decision Of	)	Los Angeles, CA
The Universal Service Administration Co. by	)	
City of Los Angeles	)	Funding Request Number 2669018
	)	
Schools and Libraries Universal Service	)	
Support Mechanism	)	
_____		

**DECLARATION OF MIKE SHARP**

I, Mike Sharp hereby declare under penalty of perjury that:

1. I am the Chief Operations Officer at Jive Communications, Inc.
2. I have served in this position (or a substantially similar one) since 2006.
3. In fulfilling its contract with the City of Los Angeles, Jive Communications follows all rules regarding Priority One equipment and placements of such equipment, to ensure the products and services we provide are eligible for reimbursement under the E-Rate program provided by the Federal Communications Commission and administrated by the Universal Service Administrative Company.
4. The Voice over Internet Protocol ("VoIP") services are strictly comprised of a standard voice gateway Jive Communications uses on all bids to provide our service. The technical specifications of the system detailed in the Request For Review of Decision of The Universal Service Administration, including all attachments, are correct to my knowledge and belief.

5. The Jive Voice Gateway is a Priority One eligible device that Jive owns and controls. The VoIP Gateway provides continued access to emergency services in the event of a network failure, such that 911 calling is always accessible.

6. Over 300 Jive clients have received funding for this exact same service, utilizing the exact same setup and hardware that the Los Angeles Public Library System was denied funding for by the Universal Service Administration

A handwritten signature in black ink, consisting of a series of loops and a final horizontal stroke.

Mike Sharp  
November 4, 2014

## **EXHIBIT “E”**

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

_____	)	
In the Matter of:	)	Docket No. 02-6
	)	
Request For Review of Decision Of	)	Los Angeles, CA
The Universal Service Administration Co. by	)	
City of Los Angeles	)	Funding Request Number 2669018
	)	
Schools and Libraries Universal Service	)	
Support Mechanism	)	
_____		

**DECLARATION OF ANNE WU**

I, Anne Wu hereby declare under penalty of perjury that:

1. I am the Director of Communication Services in the Information Technology Agency for the City of Los Angeles.
2. I have worked for the City of Los Angeles since 1985, and served in my current position since 2005. I have personal knowledge of all facts alleged in both this affidavit and the Request For Review of Decision Of The Universal Service Administration the City of Los Angeles is filing with the Commission.
3. I have read the Request For Review of Decision of The Universal Service Administration, including all attachments, in full, and they are correct to my knowledge and belief.



Anne Wu  
November 4, 2014